

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

ERIK PRINCE,

Plaintiff,

v.

THE INTERCEPT, a New York company, FIRST
LOOK MEDIA WORKS, INC., a Delaware
corporation, MATTHEW COLE, an individual, and
ALEX EMMONS, an individual,

Defendants.

No. 20-cv-84-ABJ-KHR

**DECLARATION OF M. GREGORY WEISZ
IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO
DISMISS**

COMES NOW M. Gregory Weisz, and submits the following declaration pursuant to 28 U.S.C. § 1746, and does declare and state as follows:

1. I am a partner at the law firm of Pence and MacMillan LLC, one of the attorneys for Plaintiff Erik Prince in the above-entitled action. The facts stated below are within my personal knowledge and understanding and are true and complete to the best of my information. If called to testify in this matter, I would be competent to testify as to the substance of this declaration, which is submitted in relation to Plaintiff's opposition to the motion to dismiss filed by Defendants in this action.

2. Attached hereto as Exhibit A is a true and complete copy of The Intercept's Policies and Procedures, obtained from Defendant's publicly-accessible website at <https://theintercept.com/policies>.

3. Attached hereto as Exhibit B is a true and complete copy of the article *Echo Papa Exposed: Inside Erik Prince's Treacherous Drive to Build a Private Air Force*, published on The Intercept's publicly-accessible website on or about April 11, 2016, <https://theintercept.com/2016/04/11/blackwater-founder-erik-prince-drive-to-build-private-air-force/>.

4. Attached hereto as Exhibit C is a true and correct copy of the opinion in *Anderson v. Rocky Mountain News*, 1988 U.S. App. LEXIS 19304 (10th Cir. July 7, 1988).

5. Attached hereto as Exhibit D is a true and correct copy of the opinion in *Cabello-Rondon v. Dow Jones & Co., Inc.*, 720 F. App'x 87 (2d Cir. 2018).

6. Attached hereto as Exhibit E is a true and correct copy of the opinion in *Grynberg v. Ivanhoe Energy, Inc.*, 490 F. App'x 86 (10th Cir. 2012).

7. Attached hereto as Exhibit F is a true and correct copy of the opinion in *Silver v. Brown*, 382 F. App'x 723 (10th Cir. 2010).

8. Attached hereto as Exhibit G is a true and correct copy of the opinion in *Sunflower Condo. Ass'n, Inc. v. Owners Ins. Co.*, 802 F. App'x 376 (10th Cir. 2020).

9. Attached hereto as Exhibit H is a true and correct copy of the opinion in *U.S. v. A&R Prods.*, 2014 WL 12787914 (D. N.M. Sept. 3, 2014).

10. Attached hereto as Exhibit I is a true and correct copy of the opinion in *World Wide Ass'n of Specialty Programs and Schs v. Houlahan*, 138 F. App'x 50 (10th Cir. 2005).

11. Attached hereto as Exhibit J is a true and correct copy of the opinion in *Yeager v. NPR*, 2018 U.S. Dist. LEXIS 192047 (D. Kan. Nov. 9, 2018).

THIS DECLARATION is made and executed on this 16th day of September, 2020 in Cheyenne, Wyoming.

I declare under penalty of perjury under the laws of the United States and the State of Wyoming that the above and foregoing statements are true and correct.

Dated: September 16, 2020

Respectfully submitted,

/s/ M. Gregory Weisz

M. Gregory Weisz, Wyo. Bar No. 6-2934

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, a true and correct copy of the above and foregoing document was served upon Defendants' counsel described below by the Court's CM/ECF system, to wit:

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/s/ M. Gregory Weisz

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